



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov  
FAX 410-313-3467  
TDD 410-313-2323

November 12, 2010

## TECHNICAL STAFF REPORT

*Petition Accepted on September 15, 2010*  
*Hearing Authority Hearing of November 22, 2010*

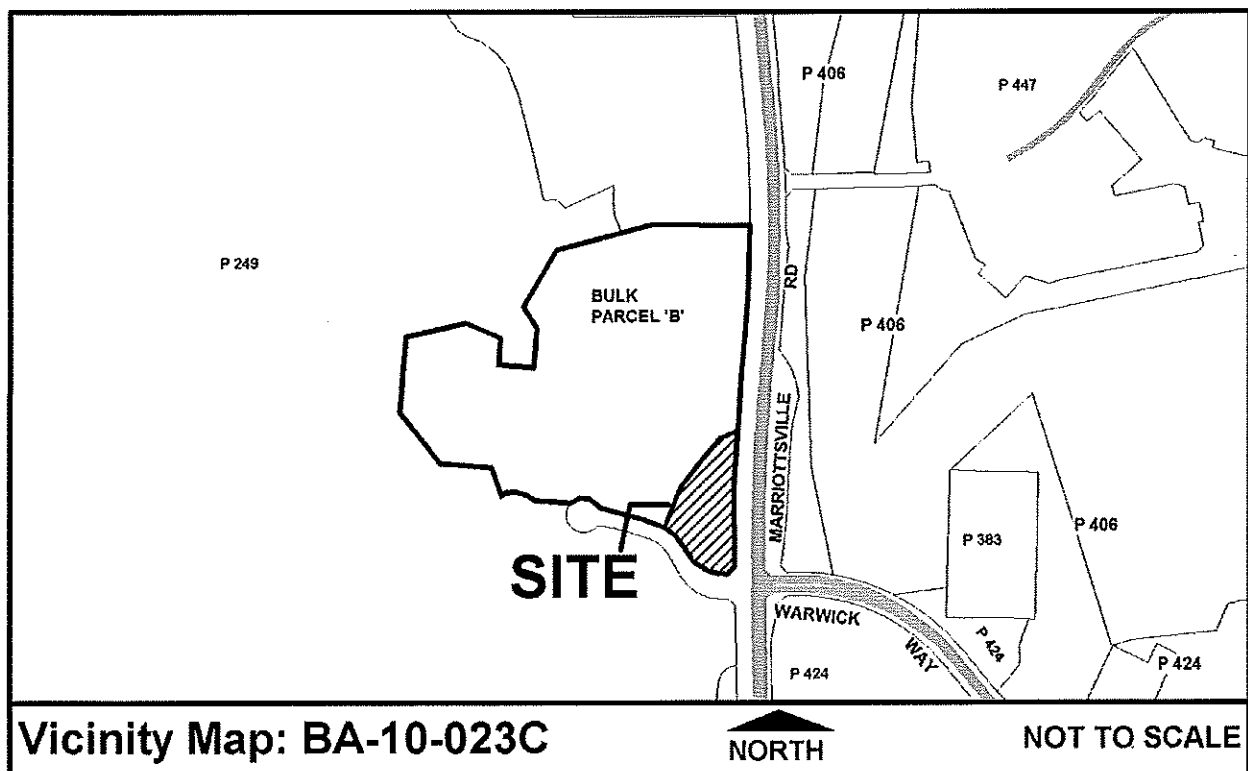
**Case No./Petitioner:** BA 10-023C – Waverly Woods Development Corporation

**Request:** Conditional Use for a gasoline service station with a convenience store (Section 131.N.25.).

**Location:** Third Election District  
West side of Marriottsville Road approximately 1,800 feet north of I-70;  
Tax Map 16, Grid 3, Parcel 249, Part of Parcel B; 2200 Barnsley Way  
[also currently known as 2200 Marriottsville Road] (the "Site").

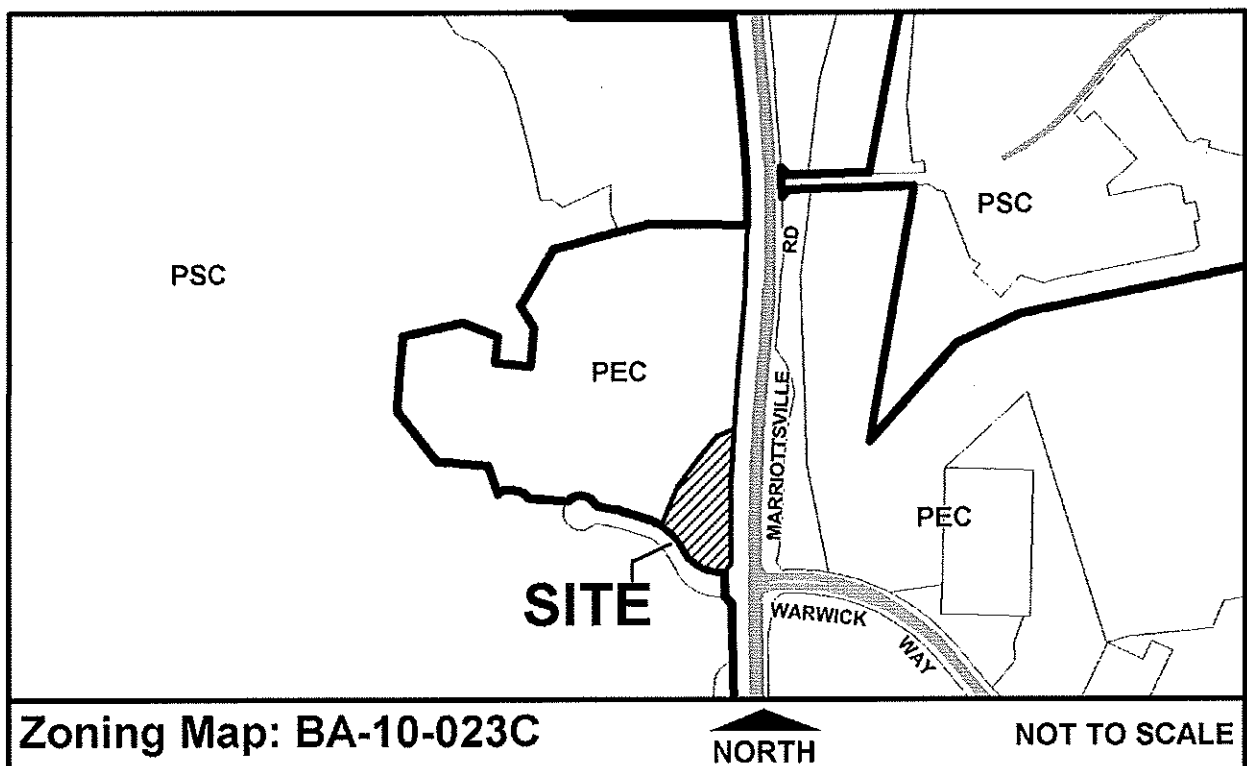
**Area of Site:** 1.46 acres      **Overall Area of Property:** 20.46 acres

**Zoning:** PEC (Planned Employment Center)



I. CONDITIONAL USE PROPOSAL

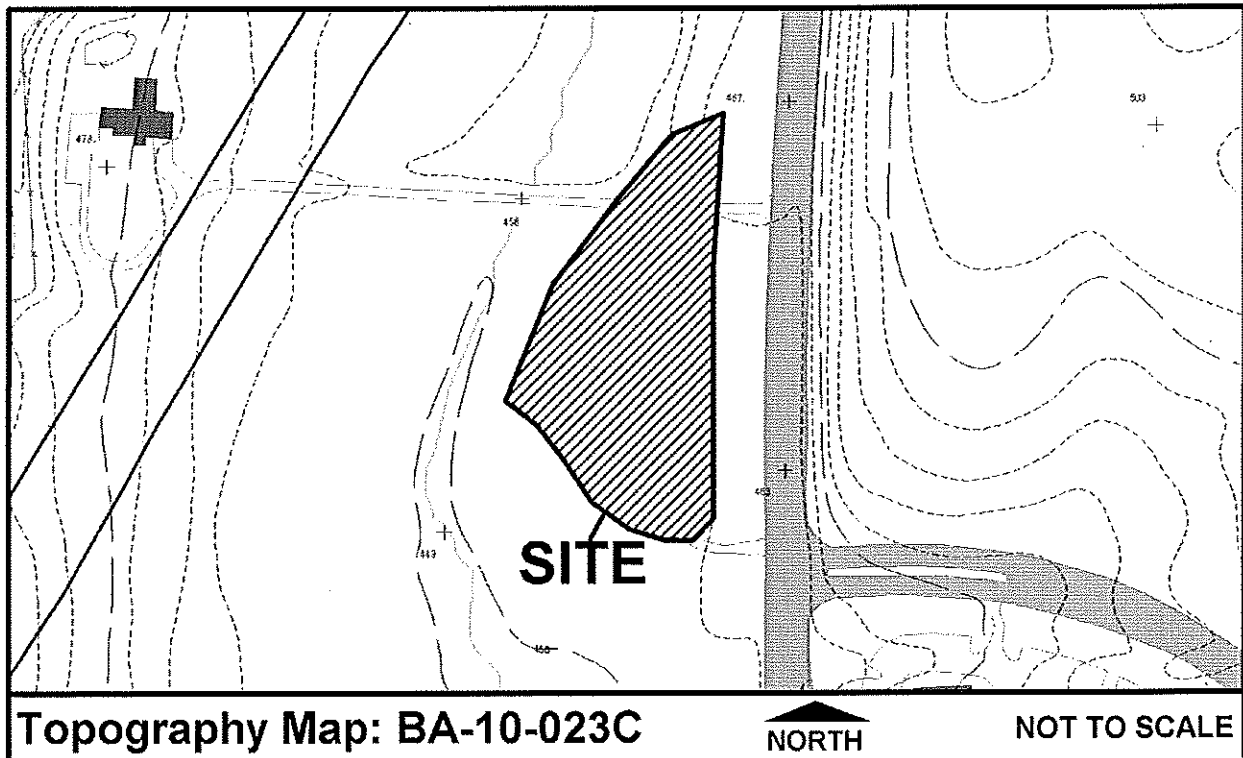
The Petitioner proposes a gasoline service station and convenience store development on the Site. Entrances into the Site are depicted on the plan at two points; a 45 foot wide ingress and egress on Barnsley Way, and a narrower 24 foot wide sharply angled driveway on Marriottsville Road at the northeast side of the Site. The gasoline service station use would consist of a six-bay, 3,105 square foot vehicle service building, approximately 30 feet by 105 feet, located on the northeast side of the convenience store, and a fuel dispensing area with six two-sided multiple product dispensers ("MPDs"), covered by a 66 foot by 90 foot canopy that would be to the southeast of the convenience store. The proposed convenience store would be 3,200 square feet in area, and is depicted on the plan as being 36 feet from the southwest corner of the Site. Except for the proposed sign on Marriottsville Road, all the structures on the Site, the convenience store/service bay building(s), the canopy, and the MPDs, are angled relative to Marriottsville Road. There are 27 total parking spaces depicted on the Site; nine in front of the convenience store, nine to the east of the service bays across the vehicle circulation area, and a combination of five perpendicular parking spaces and four parallel parking spaces located near the southeastern corner of the Site.



I. CONDITIONAL USE PROPOSAL

The Petitioner explains that the gasoline service station functions of the use "...will be limited to minor automobile servicing and changing of tires, the dispensing of gasoline at the dispensers under the canopy and the provision of services such as pressurized air, oil and water. Diesel fuel will be provided for automobiles, but the site is designed to restrict large truck traffic." It is also stated that "Wrecked or dismantled vehicles will not be stored on the site." The Petitioner proposes that the hours of operation will be 24 hours each day, and it is assumed that this also means 7 days each week.

Other features on the plan are a relatively large bio-retention/landscape area in the northern area of the Site, and three smaller bio-retention/landscape areas along Marriottsville Road and Barnsley Way. A trash receptacle enclosure is shown at the northeast side of the service bays. The nine parking spaces in front of the convenience store and the nine in front of the service bays are marked as being "Proposed Permeable Surface". No specific lighting plan was submitted, but the Petitioner explains that there will be pole mounted lighting fixtures that "...have a bulb mounting that deflects light down, reducing night glare" that have been "...selected in consultation with BGE and the Howard Astronomical League."



## II. BACKGROUND INFORMATION

### A. Site Description

The Site is an irregular, wedge-shaped portion of a larger Parcel B, and is a corner site with frontage on a widened Marriottsville Road to the east and a new Barnsley Way to the south. The north side lot line is only 20 feet in length, and from this point the Site widens to more than 200 feet towards the south. Currently, the Site is a recently graded, relatively level open area, and in association with the grading work, a six foot high retaining wall was constructed along a portion of the west side of the Site.

### B. Vicinal Properties

Adjoining the Site to the north and west is the irregularly-shaped Parcel B of which it currently is a part, and the rest of Parcel B is also zoned PEC. In the adjoining area of Parcel B to the west is the Little Patuxent River and its wide 100 year floodplain, and a bridge has recently been constructed which will carry Barnsley Way over the river.

Further to the west and across the Barnsley Way right-of-way to the southwest, is the large Parcel A, which is zoned PSC (Planned Senior Community) and which was approved for an age-restricted adult housing development by Zoning Board Case No. ZB 1027M in 2003. This development is currently known as The Courtyards at Waverly Woods – West. The area of this parcel directly across Barnsley Way from the Site will remain an undeveloped floodplain and wetlands area, but there will be a residentially developed area to the southwest of the cul-de-sac at the end of Barnsley Way.

Directly across Marriottsville Road to the east of the Site, the property is zoned PEC and is a wooded sloped area along the road and an open area with a Waverly Woods sign at the northeast corner of the Warwick Way intersection with Marriottsville Road. At the southeast corner of this intersection it is also zoned PEC and is the site of an office and retail development.

### C. Roads

Marriottsville Road in front of the Site is currently being widened. It has had two northbound and two southbound travel lanes and approximately 43 feet of paving within a variable width wide right-of-way, but according to the Conditional Use plan eventually will have dedicated southbound left and right turn lanes at the Warwick Way – Barnsley Way intersection. The posted speed limit is 45 miles per hour. Barnsley Way is depicted as a mainly 60 foot wide right-of-way, although it is wider immediately west of the intersection, and also mainly has a pavement width of 40 feet.

Due to the current construction along Marriottsville Road, it is not possible to estimate sight distance for the Site, although sight distance along Barnsley Way would most likely not be an issue. Precise sight distance measurements may only be determined through a detailed sight distance analysis.

According to data from the Department of Public Works, the traffic volume on Marriottsville Road south of MD 99 (Old Frederick Road) was 15,701 ADT (average daily trips) as of March 2005.

## II. BACKGROUND INFORMATION

### D. Water and Sewer Service

The Site is not in the Metropolitan District and is within the Existing Service Area for Water and the 0 to 5 Year Service Area for Sewer according to the Howard County Geographic Information System maps as of November 5, 2010.

The notes on the Conditional Use plan state that the proposed development on the Site will be served by public water and sewer facilities.

### E. General Plan

The Property is designated Residential Areas on the Policies Map 2000-2020 of the 2000 General Plan.

Marriottsville Road is depicted as an Intermediate Arterial on the Transportation Map 2000-2020 of the 2000 General Plan. Barnsley Way is not depicted on the Transportation Map but it would function as a Local Road.

### F. Agency Comments

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Fire and Rescue Services
4. Department of Inspections, Licenses and Permits
5. Development Engineering Division

### G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance. A Site Development Plan for the proposed development would be subject to the requirement to pass the test for adequate road facilities.

## III. ZONING HISTORY

There is no record of any specific Board of Appeals, Zoning Board, or Department of Planning and Zoning cases for the Site.

## IV. EVALUATION AND CONCLUSIONS

### A. Evaluation of petition according to Section 131.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. The proposed use is a commercial use which is dependent on vehicle access and servicing. Based on current and projected high traffic volume on Marriottsville Road, and the very high traffic volume on the nearby I-70 less than one-third mile to the south, the Site has the likely potential for an intense level of use because of its location and its high-visibility on the corner of this intersection.

#### IV. EVALUATION AND CONCLUSIONS

Although the Site may comply with the basic minimum lot area and frontage requirements of Section 131.N.25., its relatively narrow nature, the angled-character of the development design, and the proposed road access all lead to the conclusion that the Site is ill-suited to properly accommodate the potential level of use in this particular location.

Marriottsville Road is a highly traveled Intermediate Arterial highway and there are recorded ingress and egress restrictions along the right-of-way. Direct access for a individual site onto an Arterial highway is not permitted when there is an alternate access available, so the northern access onto Marriottsville Road is not permitted, and should not be authorized through this Conditional Use request. The Barnsley Drive access is very close to the intersection, and with the likely intensive use of the proposed Site, it appears that there would be potential turning movement conflicts at this entrance with enough vehicle stacking on Barnsley Way at the traffic signal.

There has been a longstanding General Plan policy to not extend commercial strip development westward beyond the existing limits of commercial development on US 40, and to promote the integration of commercial uses within mixed use communities. A freestanding gas station and convenience store development on this busy intersection should be avoided along a road like Marriottsville Road. An existing, well-planned and well-located gasoline station and convenience store is operating at the nearby Waverly Woods Village Center further to the east in Waverly Woods [please refer to the specific criteria evaluation for more on this matter], so a second gasoline station and convenience store is unnecessary for the Waverly Woods neighborhood, and would likely mainly serve pass-through traffic, including traffic using I-70.

2. There is no evidence the proposed use would generate inordinate noise, or dust, fumes, odors, glare or vibrations. The proposed Conditional Use plan could cause safety hazards, due to its corner location along an Arterial highway and to the proposed access points, which would be greater at the subject Site than at the existing gasoline station and convenience store in the village center for example, which is also zoned PEC.
3. The Site adjoins a wide floodplain to the west and north, a wide right-of-way to the east, and beyond Barnsley Way to the south is also floodplain and wetlands, so there is and will be no close development or use of adjacent land and structures.
4. The proposed parking complies with the basic minimum parking requirements for gasoline service stations with convenience stores. The landscape plan is generic and lacks the details necessary for evaluating whether the parking areas, loading areas, driveways and refuse areas will be properly located and screened from the public roads at this corner location, which becomes more important because it will function as the entrance to the age-restricted residential community being constructed immediately to the west.

#### IV. EVALUATION AND CONCLUSIONS

5. The proposed access directly on Marriottsville Road, a busy Intermediate Arterial highway, is a potential safety hazard. While the petition suggests that it is intended and designed for ingress-only, it has an adequate width for two lanes, and even if internal no-exit signs were posted, there is no way to enforce this and some people would likely try to use it to avoid using Barnsley Way and the traffic signal at the intersection. The proposed access on Barnsley Way is assumed to be safe because of the character of that road, and acceleration and deceleration lanes would not be necessary along that road.

B. Evaluation of petition according to Section 131.N.25. (Specific Criteria for Gasoline Service Stations):

1. The Department of Planning and Zoning concludes that the proposed use will adversely affect the logical development of the neighborhood, and there is a longstanding nearby precedent for this conclusion. Board of Appeals Case No. 99-04E was a Special Exception proposal for a gasoline service station with a convenience store and a car wash that was proposed for the then undeveloped site diagonally across Marriottsville Road, at the southeast corner of the Warwick Way intersection with Marriottsville Road.

The Department of Planning and Zoning strongly recommended denial for the BA 99-04E case because the gas station development along Marriottsville Road would be highly conspicuous and would have a negative effect on the appearance of that road; because it would diminish the overall design character of Waverly Woods to have such a use at a major entrance into the development.

In its evaluation of the BA 99-04E petition for the gasoline service station, the Department of Planning and Zoning emphasized that "The village center is the most appropriate location for a gasoline service station within this development, as it is strategically located between the residential and employment components of the development, and located on roads constructed to sufficient standards to accommodate the uses. Construction of a gasoline service station outside of the village center area is not conducive to the logical development of the mixed use area. The proposed village center would be a more suitable location than the proposed site, which is surrounded by a golf course, the environmentally sensitive Little Patuxent River corridor, a key historic site and an open space lot dominated by floodplains and wetlands."

The conclusions made by the Department in the BA 99-04E case are made more significant and more directly applicable to this BA 10-023E proposal because this long supported concept of a gasoline service station at the Waverly Woods Village Center has been realized with the existing station now operating there. While it may be a stretch to make a conclusion that this proposed second gasoline station would have a "blighting influence", it is quite reasonable to conclude that it would be illogical to locate a second gasoline station in the neighborhood, upon considering the points above made more than ten years ago for BA 99-04E.

IV. EVALUATION AND CONCLUSIONS

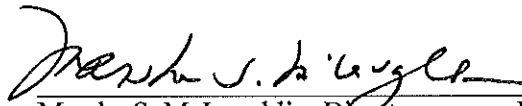
2. The petition complies with the minimum lot size requirements of Section 131.N.25.b., although the Site is oddly shaped.
3. The petition complies with the minimum lot frontage requirements of Section 131.N.25.c.
4. The Petitioner states that the petition complies with the minimum landscape percentage requirements of Section 131.N.25.d., but as noted above, the Department of Planning and Zoning finds the landscape plan to be too generic to reach a conclusion on the appropriateness of the buffering at this prominent corner location.
5. The Site does not border a residential district if the word "border" is interpreted to mean "adjoining", but this word can also mean "next to" or "adjacent to". The PEC land further to the west and south is zoned PSC and because the zoning was approved as an age-restricted adult housing development, it is considered to be a residential area. As the Department of Planning and Zoning is opposed to the entire proposed use on the Site, it makes no conclusion on the solid wall issue of Section 131.N.25.e.
6. The petition appears to comply with the refuse screening requirement of Section 131.N.25.f., but a detail of the actual enclosure is recommended. The disposal methods for waste are noted.
7. For the same reasons noted above in the evaluation of the general standards concerning the proposed vehicle access, the petition does not comply with Section 131.N.25.g. The locations of 18 of the 27 parking spaces would require pedestrians to cross the main vehicle circulation area and/or the fuel dispensing area.
8. The petition appears to comply with most of the operation requirements of Section 131.N.25.h., but there are two issues. The plan does not appear to indicate the location for a self-serve air service, so if there is to be such a service, it should be shown. The Department of Planning and Zoning concludes that the Site qualifies as being sufficiently "adjacent to" the planned age-restricted adult housing development to the west to have the hours of operation and a lighting plan approved, because the Site would be at the entrance road into this housing development.
9. The petition proposes a convenience store, and it complies with the additional minimum lot size requirements of Section 131.N.25.i.(1) and the gross floor area requirement in Section 131.N.25.i.(2) for the PEC District.
10. If abandoned, the Section 131.N.25.j. provisions would apply.



V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for gasoline service station with a convenience store on the Site be **DENIED**.

If the Hearing Authority reaches a different conclusion and finds in favor of the proposed use, the Department of Planning and Zoning recommends that any proposed access directly on Marriottsville Road specifically be prohibited, and that access only be authorized to and from Barnsley Way.

  
Marsha S. McLaughlin, Director      Date 11/18/10

MM:JRL/jrl

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**

LAW OFFICES  
SPAHN & BROIDA  
5401 TWIN KNOLLS ROAD  
SUITE 7  
COLUMBIA, MARYLAND 21045

CHARLES J. BROIDA  
RONALD L. SPAHN

TELEPHONE  
COLUMBIA (410) 992-9700  
BALTIMORE (410) 995-1824  
WASHINGTON (301) 596-3157  
FAX (410) 964-9018

August 31, 2010

Department of Planning and Zoning  
3430 Court House Drive  
Ellicott City, MD 21043

Attention: Robert Lalush

RE: Waverly Woods Development Corporation  
Board of Appeals Case No. 10-023C

Dear Mr. Lalush:

In response to your letter dated August 26, 2010 we offer the following clarifications.

A specific operator has not been selected, but the lighting standards in Section 134 will be applied to whoever is selected. Site lighting will consist of building mounted lighting and flush mounted overhead lighting under the canopy. Pole mounted lighting will be limited to BGE type fixtures similar to the 100 watt "Traditionaire" HPS vapor "Colonial" used throughout Waverly West. These fixtures were selected in consultation with BGE and the Howard Astronomical League and have a bulb mounting that deflects light down, reducing night glare. Canopy and building mounted lighting will be similarly shielded to reduce upward glare.

Since an operator has not been selected we are requesting that the hours of operation be 24 hours a day. While technically there may be PSC zoning on the south side of Barnsley Way, that area is all 100 year floodplain and will not be built upon. This site area is totally surrounded by wide floodplain and public roads.

With regard to the diesel service, the turning template that was provided with the application shows that a fuel truck can make the movements on site to reach the underground tanks, but could not make the turns necessary to reach the fuel dispensers without repeated backing up. Thus truck traffic is discouraged, but no gas station can totally restrict trucks since they need to be serviced by a fuel truck. Modern fuel dispensers typically contain a diesel hose along with the gasoline hose at each dispenser. Therefore, we expect that each dispenser will provide for diesel service.



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Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

August 26, 2010

Kennard Warfield, Jr.  
Waverly Woods Development Corporation  
14451 Triadelphia Road  
Glenelg, Maryland 21737

RE: Waverly Woods Development Corporation  
Board of Appeals Case No. 10-023C

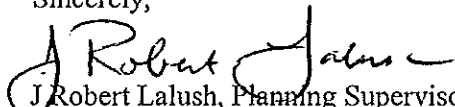
Dear Mr. Warfield:

This Division has reviewed the petition of Waverly Woods Development Corporation requesting a Conditional Use for a Gasoline Service Station. Before the petition is accepted and forwarded to the Hearing Authority for a hearing date, please respond to the following comments:

1. Section 131.N.25.h.(4) states that "Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority." The proposed site is adjacent to a PSC (Planned Senior Community) District to the south, across the proposed Barnsely Way. This PSC District is approved for an Age-restricted Adult Housing Development, and is considered a residential district. Please provide the proposed hours of operation and the lighting plan,, as required.
2. Based on the submitted plan entitled "Turning Radius for Interstate Semi-trailer", it appears that such a large truck can access the site, as that of course would be required for fuel deliveries. This appears to contradict the statement in the Justification that "Diesel fuel will be provided for automobiles, but the site is designed to restrict large truck traffic." Please provide more of an explanation as to how the site is designed to restrict large trucks. Also, please revise the plan to specify the location(s) of which fuel dispenser(s) will offer diesel fuel.

You must submit 19 copies of any revised material. You may revise previously submitted materials at the Public Service Counter of the Department of Planning and Zoning between 8:00 a.m. and 5:00 p.m., Monday through Friday. If you have any questions, please contact me at 410-313-4344 or at [blalush@howardcountymd.gov](mailto:blalush@howardcountymd.gov).

Sincerely,

  
J. Robert Lalush, Planning Supervisor  
Division of Public Service  
and Zoning Administration

JRL:jrl